

REMARKS

In the Office Action dated March 10, 2005, claim 22 was objected to as being in improper form. Claim 26 was rejected under 35 U.S.C. § 112, first paragraph. Claims 1-8, 11 and 13-34 were rejected under 35 U.S.C. § 112, second paragraph. Claims 25, 27 and 29-34 were rejected under 35 U.S.C. § 101. Claims 1-7, 11, 13-20 and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by German Patent document DE 32 08 609 ("German '609"). Claims 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over German '609.

The Examiner is thanked for the courtesy of providing a telephonic interview to Applicant's attorney on March 2, 2005. During the interview the German '609 reference was discussed, together with certain proposed amendments to the claims. More particularly, it was noted that in the German '609 reference there are bound to be many impurities since, after all, it discloses a spent etching solution used for fabricating printed circuit boards. In contrast, the Applicant's claims pertain to a particular metal containing composition that has a limited list of ingredients. In that connection, the terminology "consisting essentially of" was discussed during the interview.

In response to the rejection of claim 22 under 37 CFR 1.75(c), Applicant has amended claim 22 to overcome this objection. More particularly, the reference to claim 5 has been deleted from claim 22.

As to the rejection of claim 26 under 35 U.S.C. § 112, first paragraph, this claim has also been amended to remove the objected to wording.

Claims 1-8, 11 and 13-34 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 1, from which all the other claims are dependent, to now recite "consisting essentially of". Therefore, it is respectfully submitted that both claim 1 and all of its dependent claims have overcome the § 112 rejection. Moreover, claims 16 and 19 have been amended to overcome the specific rejections thereof.

Claims 25, 27 and 29-34 have been amended to recite a method of treatment. Therefore, it is respectfully submitted that the § 112 rejection thereof has been rendered moot. In addition, the § 101 rejection of claims 25, 27 and 29-34, it is respectfully submitted, been also overcome with the amendments made thereto.

More substantively, claims 1-7, 11 and 13-20 and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by the German '609 document. In reply, Applicant respectfully submits that this rejection has been overcome by adding the limitation of "consisting essentially of". It is Applicant's position that the presently claimed compositions will exclude compositions in which components other than those listed particularly are present, save perhaps in impurity or trace amounts.

In contrast, the German '609 document discloses the presence of elemental iron since, after all, the German '609 document refers to a process for recovering copper from etching solutions, via the addition of the scrap iron. Thus, present in the solution of German '609, at the very least, is elemental iron and elemental copper. While precipitated copper is removed, any scrap iron which is not dissolved will remain present in the composition as an excess and therefore still present as elemental iron. Moreover, there are likely to be other significant impurities in the composition of the German '609 document, since it is a spent etching solution.

Therefore, it is respectfully submitted that claim 1 as amended patentably defines over the German '609 reference, as well as the remainder of the cited art.

Since claim 1 is in condition for allowance, it is respectfully submitted that its dependent claims, claims 2-7, 11, 13-20 and 28 are similarly in condition for allowance. Such allowance is earnestly solicited.

Claims 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the German '609 reference. For the same reasons as detailed above in connection with claim 1, it is respectfully submitted that claims 21-24 are also in condition for allowance over the German '609 reference as well as the remainder of the art of record.

Applicant herewith submits new dependent claims 35 and 36. Claim 35 depends from claim 15 and recites that the pH value is in the range of 1 to 2. Claim 36 depends from claim 19 and recites that the electrolytic potential is at least 340mV. These claims are added to overcome the § 112 rejection of claim 16 and 19 and to recite a particular range and a minimum, respectively.

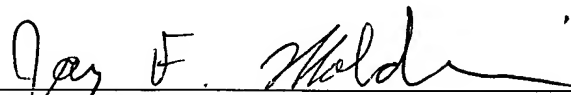
Therefore, these claims are also believed to be in condition for allowance over the art of record.

In view of the foregoing, it is respectfully submitted that all dependent claims are in condition for allowance over the art of record.

Respectfully submitted,

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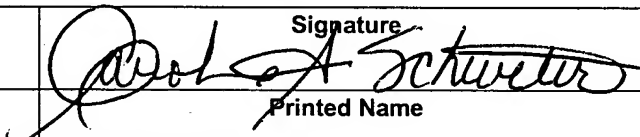
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